



House of Representatives

File No. 672

General Assembly

January Session, 2011

(Reprint of File No. 138)

House Bill No. 5178
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 29, 2011

**AN ACT AUTHORIZING NOTICE OF ZONE CHANGES TO BE SENT
BY ELECTRONIC MAIL.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 8-3b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 When the zoning commission of any municipality proposes to
4 establish or change a zone or any regulation affecting the use of a zone
5 any portion of which is within five hundred feet of the boundary of
6 another municipality located within the area of operation of a regional
7 planning agency, the zoning commission shall give written notice of its
8 proposal to [the] each regional planning agency [or agencies] of the
9 region in which it and the other municipality are located. Such notice
10 shall be made by certified mail, return receipt requested, or by
11 electronic mail to the electronic mail address designated by the
12 regional planning agency on the agency's Internet web site for receipt
13 of such notice, not later than thirty days before the public hearing to be
14 held in relation thereto. If such notice is sent by electronic mail and the
15 zoning commission does not receive an electronic mail from a regional

16 planning agency confirming receipt of such notice, then not later than
17 twenty-five days before the public hearing, the zoning commission
18 shall also send such notice by certified mail, return receipt requested,
19 to such planning agency. The regional planning agency shall study
20 such proposal and shall report its findings and recommendations
21 thereon to the zoning commission at or before the hearing, and such
22 report shall be made a part of the record of such hearing. The report of
23 any regional planning agency of any region that is contiguous to Long
24 Island Sound shall include findings and recommendations on the
25 environmental impact of the proposal on the ecosystem and habitat of
26 Long Island Sound. If such report of the regional planning agency is
27 not submitted at or before the hearing, it shall be presumed that such
28 agency does not disapprove of the proposal. A regional planning
29 agency receiving such a notice may transmit such notice to the
30 Secretary of the Office of Policy and Management or his designee for
31 comment. The planning agency may designate its executive committee
32 to act for it under this section or may establish a subcommittee for the
33 purpose. The report of said planning agency shall be purely advisory.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	8-3b
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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Savings	Less than 50	Less than 50

Explanation

A minimal savings in averted postage costs will ensue for any municipality choosing to utilize electronic mail to transmit zoning establishment or change notices to a regional planning agency. Postage for certified mail, return receipt requested, is \$5.54. On average, four to six such notices would be expected per community per year.

House "A" requires a zoning commission to mail a notice to a regional planning agency not later than 25 days before a public hearing when receipt of the prior electronic notice is not confirmed. This potentially reduces the savings to any given community associated with the original bill to the extent that additional postage expenses are incurred for certified mail, return receipt requested.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to postage rates.

OLR Bill Analysis**HB 5178 (as amended by House "A")******AN ACT AUTHORIZING NOTICE OF ZONE CHANGES TO BE SENT BY ELECTRONIC MAIL.*****SUMMARY:**

This bill allows municipal zoning commissions to send certain notices to regional planning agencies (RPAs) by email, instead of certified mail. The bill applies to notices of proposals to establish or change a zone or regulation affecting the use of a zone, if part of the zone is within 500 feet of the boundary of a municipality located within an RPA's area of operation. The bill specifies that zoning commissions must (1) email the notice to each RPA located in the region in which the commission and the other municipality are located and (2) use the email address an RPA has designated on its website for notice receipt.

By law, the zoning commission must send the notice at least 30 days before the required public hearing on the changes. Under the bill, if a commission does not receive an email from an RPA confirming receipt of the notice, it must also send the RPA notice by certified mail, return receipt requested, at least 25 days before the public hearing.

*House Amendment "A" (1) specifies that zoning commissions must notify each RPA at the email address the RPA designates on its website and (2) adds the provision requiring the notice to be mailed, if the commission does not receive email receipt confirmation.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/07/2011)